

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
EL DORADO DIVISION

SHAWN LYNN EARNEST

PLAINTIFF

VS.

CASE NO. 05-CV-1014

KEVIN HENSON, Jail Detention Officer;
KEN JONES, Sheriff; and
DARYL EASTER, Jail Administrator

DEFENDANTS

ORDER

Before the Court is a Report and Recommendation filed on November 22, 2005, by the Honorable Bobby E. Shepherd, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 16). In the report, Judge Shepherd recommends that Defendants' Motion to Dismiss for Failure to Comply with Court Order (Doc. No. 15) be granted and Plaintiff's cause of action against the Defendants be dismissed. Plaintiff was given ten (10) days within which to file written objections to the Magistrate's findings and recommendations. To date, no objections have been filed. The Court hereby adopts *in toto* the Magistrate Judge's findings and recommendations.

The Court finds that the Plaintiff has not complied with the Court's September 2, 2005 Order compelling him to respond to Defendants' discovery requests and has failed to otherwise communicate with the Court in regards to this failure. Therefore, pursuant to Fed.R.Civ.P 37(b)(2)(C) & 41(b), Defendants' Motion to Dismiss should be granted and this cause of action dismissed.

Accordingly, Defendants' Motion to Dismiss is hereby **granted** and Plaintiff's action

against the Defendants Kevin Henson, Ken Jones and Darly Easter is hereby **dismissed** for failure to respond to discovery after entry of an order compelling plaintiff to respond and for failure to comply with a court order.

IT IS SO ORDERED, this 28th day of December, 2005.

/s/Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge